

and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the said product be sorted under the supervision of this department and the bad portion destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11279. Misbranding of vinegar. U. S. v. 12 Barrels and 20 Barrels of Evaporated Apple Vinegar. Decree entered providing for release of product. (F. & D. Nos. 17096, 17097 I. S. Nos. 5174-v, 5175-v. S. Nos. C-3861, C-3862.)

On January 5, 1923, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 32 barrels of vinegar at Muskogee, Okla., alleging that the article had been shipped by the Ozark Cider & Vinegar Co., Rogers, Ark., in part on or about August 4 and in part on or about August 14, 1922, and transported from the State of Arkansas into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The shipment of August 14 was labeled in part: "Blue Ribbon Brand Evaporated Apple Vinegar Contents 55 Gal. The O. L. Gregory Vinegar Company, Rogers, Arkansas." The shipment of August 4 was labeled in part: "Southern Fruit Products Mfg. Co. Evaporated Apple Vinegar Contents 55 Gal. Rogers, Arkansas."

It was alleged in substance in the libels that the article was misbranded in violation of section 8 of the said act, under paragraphs second and fourth, relating to food, in that the contents of the said barrels was less than 55 gallons of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 13, 1923, upon showing to the court that the product had been reweighed, relabeled, and regauged by O. L. Gregory, Rogers, Ark., shipper of the said product, and by the Griffin Grocery Co. and the Hale Halsell Co., both of Muskogee, Okla., custodians of respective portions thereof, and that the costs of the action had been paid by the said shipper, it was ordered by the court that the said product be released to the shipper and the respective custodians to be disposed of in conformity with the said act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11280. Adulteration of milk. U. S. v. Samuel W. Simpson. Collateral of \$50 forfeited. (F. & D. No. 657-c.)

On October 24, 1922, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, filed in the Police Court of the District aforesaid an information against Samuel W. Simpson, Calverton, Va., alleging that on September 25, 1922, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that it contained added water and was below standard.

On October 24, 1922, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11281. Adulteration and misbranding of butter. U. S. v. 1,200 Pounds of Butter. Product ordered released under bond. (F. & D. No. 664-c. I. S. No. 10851-v. S. No. E-4236.)

On November 24, 1922, the United States attorney for the District of New Hampshire, acting upon a report by an official of the New Hampshire State Board of Health, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,200 pounds of butter at Concord, N. H., alleging that the article had been shipped by M. F. Donahue from Essex, Vt., on or about November 13, 1922, and transported from the State of Vermont into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that an excessive amount of moisture had been mixed and packed with and substituted wholly or in part for butter. Adulteration was alleged for the further reason that a valuable constituent, to wit, milk fat, had been abstracted from the said article.